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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,427	07/07/2003	Neil Andrew Abercrombie Simpson	MRKS/0091	7722

7590 09/13/2006

WILLIAM B. PATTERSON
MOSER, PATTERSON & SHERIDAN, L.L.P.
Suite 1500
3040 Post Oak Blvd.
Houston, TX 77056

EXAMINER

NEUDER, WILLIAM P

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/614,427	ABERCROMBIE SIMPSON ET AL.	
	Examiner	Art Unit	
	William P. Neuder	3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6,8,10,13-35,55-58,81-84,87,99,100,102-109,112,114 and 117 is/are allowed.
- 6) ☒ Claim(s) 38-43,61,66,67,70-72,85,110,113,115,116 and 118-120 is/are rejected.
- 7) ☒ Claim(s) 86 and 111 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/24/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 38-43,66,85,110,113,115 and 116 are rejected under 35 U.S.C. 102(b) as being anticipated by Quigley et al 6,148,866.

Quigley discloses a downhole tubular 12,14 having helical corrugations (see figure 9). Element 62 is located in the troughs of the corrugation. As to claims 39-43, col. 17, lines 15-20 state that the element 62 can be a hydraulic medium, a pneumatic medium, an electrical medium, an optical medium, or any material or substance capable of being modulated with information data or power. As to claim 66, the cable is reelable and the corrugations define a selected periodic corrugation. As to claim 85, the tubing is completion tubing having a corrugated wall. All corrugated tubing inherently accommodate a degree of at least one axial compression and expansion. As to claims 110 and 113, the tubing is metal. As to claims 115 and 116, figure 1 shown internal corrugations and fig. 9 shows external corrugations.

Claims 61,66,85,110 and 118-120 are rejected under 35 U.S.C. 102(b) as being anticipated by Pascoe 1,827,437.

As to claim 61, Pascoe discloses a method of running tubing 11 into a well. The tubular is corrugated and rotated. It is inherent that the rotation of the tubular will cause

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the tubular to negotiate a tight spot. As to claim 66, the corrugated wall defines selected periodic corrugations with a substantially circumferential component. As to claim 85, the tubing is corrugated and all corrugated tubing inherently accommodates a degree of at least one of axial compression and expansion. As to claim 110, the tubular is metal. As to claim 118, the corrugated tubing is rotated. It is inherent that the tubing be advanced a predetermined axial distance based on the number of times the tubing is rotated related to the pitch of the corrugations. As to claims 119 and 120, the corrugations are circumferential and helical.

Claims 67 and 70-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Tassone et al 5,358,358.

Tassone discloses downhole tubulars 25 and 26 being corrugated. The end portions are corrugated such that the one tubular 26 can be attached to the other 25. The corrugation of one end are placed within the other end. The corrugations are helical. As to claims 70 and 71, the end corrugations are parallel and tapered. As to claim 72, upon expansion of the one end into the other, a seal is formed.

Response to Arguments

Applicant's arguments with respect to claims 38-43,61,66,67,70-72,85,86,110,111,113,115,116 and 118-120 have been considered but are moot in view of the new ground(s) of rejection.

Claims 86 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

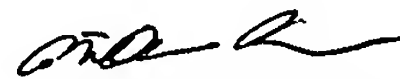
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Claims 1-6,8,10,13-35,55-58,81-84,87,99,100,102-109,112,114 and 117 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Neuder whose telephone number is 571-272-7032. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William P Neuder
Primary Examiner
Art Unit 3672

W.P.N.

Continuation of Disposition of Claims: Claims pending in the application are 1-6,8,10,13-35,38-43,55-58,61,66,67,70-72,81-87,99,100 and 102-120.